

Bellingham Planning Board
Town Hall Annex
Bellingham, Ma.

Regular Meeting - November 21, 1985
Members Present - John P. Murray, Chairman
Glenn E. Gerrior, Vice Chairman
Emile W. Niedzwiadek
Matthew F. Pytko
Edward T. Moore

The meeting was called to order by Chairman Murray at 7:45 P.M.

Mr. Murray said a letter was received from Onallam Realty written by Gerard Lindsay requesting to withdraw their application for Stall Brook Estates. Because of changes made in their plan they will not be ready for the public hearing scheduled at 8:30 tonight. He said the substantial changes made would require a new submittal. Their meeting with Mr. Herr resulted in the changes and their legal counsel informed them that the changes proposed would constitute a new submittal and the hearing would probably be invalid.

Attorney Bruce Lord said with a withdrawal the Board has to make a vote. He thinks a negative vote on their application is in line.

Attorney Gerald Moody, representing Onallam, said once the application has been withdrawn there is nothing to vote on. He said it can be withdrawn without prejudice. They would submit a new application.

Mr. Lord said at the time of the application all materials were supposed to be ready and available. He said the Planning Board went ahead in good faith to proceed with the meeting.

Mr. Herr said if the applicant does not want to proceed, there is no way you can make them proceed.

Mr. Murray stated that in the past we have had requests for withdrawal and the Board has allowed them the courtesy. He said he feels this Board is the most courteous board.

Mr. Lord said that the board has been particularly courteous in this case. They had the plans before and it was not the board's fault, now this plan was going to be fine and here we are again.

Mr. Moody said they have expressed that they want to do further refinements on the plan.

Mr. Murray said he thinks this was the board's suggestion because the plan was different from the original.

Mr. Herr asked what is being withdrawn.

Mr. Moody said they have an application for a definitive plan.

Mr. Herr said they can reapply.

Mr. Lord pointed out this has dragged on for months.

Water Supt. Trudel said the design engineer was in his office and they changed some of the lots and they planned to loop the water system. He said they wanted to do more work on the plan.

Mr. Niedzwiadek pointed out to Attorney Moody that this withdrawal means a whole new phase.

On a Niedzwiadek/Gerrior motion the Board voted 5-0 to accept the request for withdrawal of the application of Onallam Realty for "Stall Brook Estates".

Tom Devitt of Devitt Realty presented a Form A plan for applicant Robin Corp. on property off South Main Street. This is a parcel of about 3 acres owned by Robin Corp., Robert Dioron. Shown on the plan is a floor plan for Robin Hood South Condominiums. On a Niedzwiadek/Gerrior motion the Board voted 5-0 to sign the plan.

Mr. Devitt presented Form A plans for applicants Dante and Marion D'errico showing three lots off Brook Street. Members reviewed the plan. Mr. Herr pointed out that there is not adequate access to two of the lots. Also, it was determined that Brook Street is not an accepted street. Following a brief discussion, the board told Mr. Devitt he could return if he finds documentation about Brook Street. On a Niedzwiadek/Pytko motion the board voted 5-0 not to sign the plan until proof of Brook Street being an accepted street is shown.

Kenneth Racicot of Celtic Construction and Bob Drake, Engineer presented the board with an application for a special permit to construct condominiums off Paine Street. Drake said the map he is leaving is just a site plan. He said he is going to contact the abutters and they plan to walk the site and let the people know what they are going to do.

The fee for this special permit application totals \$1,624.00. This represents 508 parking spaces @ 3.00 per space plus \$100.00 estimated advertising costs.

On a Niedzwiadek/Pytko motion the board voted 5-0 to set the public hearing for January 23, 1986 at 9:00 P.M. for the Blackstone Valley townhouses.

Mr. Herr pointed out to Drake that it would be helpful to the process if there is information provided to the Board on the reasons why this plan is better than single family. He also told Drake he should get written documentation from those others that he plans to get service from.

Water Supt. Trudel pointed out that there is going to be water from another community which is another state and with regulations from DEQE he said he wants to know what happens with the laws when we are dealing with suppliers from another state. He said his biggest concern is who is going to inspect and maintain this.

Mr. Murray said he should have answers to those questions before a public hearing.

One of the abutters wanted to know if the City Council in Woonsocket, R.I. will come in with a document saying what they will do.

Mr. Drake said he wants to have an informal meeting with all of the abutters. Mr. Berard, who is one of the abutters, will be contacted by the Drake Associates.

Mr. Niedzwiadek said an environmental impact study is not required but other large subdivisions were required to do so.

Mr. Gerrior said there are wetlands involved and there are houses with water in the cellar. Mr. Niedzwiadek noted also that some of the people now abutt the edge of the property and there is swamp.

Mr. Herr said the Board will also need to know what they are going to do about the Mass. Environmental Protection Act. Mr. Drake said he thinks he will wait until get gets the special permit.

Traffic situation was discussed briefly. The concern is whether the approximately 5 trips per day from 250 dwelling units will all access Paine Street. This means over 1,000 trips per day and Mr. Herr said if all the traffic were going to come out of Paine Street he guarantees there is going to be trouble. He said if this is going to be a big issue the board would require a traffic study.

Mr. Drake will meet with Mr. Herr.

Mr. Herr will draft the wordage for the public hearing notice.

At 9:00 P.M. Mr. Murray opened the public hearing on Townhouse Bylaw Amendment. Mr. Murray requested consultant Herr to review the proposed amendment for those present.

Mr. Herr passed around copies of the article revised November 4, 1985 and entitled Concept Plans and Townhouses. Mr. Herr said the basic notion is to allow Town Meeting to give approval to major multi-family developments which is a more specific approval than making a zoning district change. This would involve developments of over 50 dwelling units and also major commercial complexes.

He explained that if the Town Meeting approves it then they can proceed to the special permit, which will be a public hearing and which will assure that the details of that will be the same as the Town Meeting approved. He said the spirit of Town Meeting should be carried out.

Mr. Herr said the article drafted has four parts, three creating a "Concept Plan" system, one requiring development rate schedules for multi-family housing.

1. Amend Section 4710 (Applicability, Major Commercial Complex) by deleting the first sentence and substituting the following:

"Major Commercial Complexes shall be granted special permits only in B-2 Districts, only following Concept Plan approval as provided in Section 3400, and only in accordance with the following:

2. Amend Section 4420 (under Multi-family Dwellings) so that it begins as follows:

"4420. Special Permits for Multi-family dwellings (including townhouse dwellings) shall be granted only in accordance with the following and only following Concept Plan approval as provided in Section 3400".

3. Add a new Section 3400, to read as follows:

"3400. Major Proposals

"3400. Applicability. Any use which elsewhere in this Bylaw is made subject to this Article requires Concept Plan approval by Town Meeting prior to being acted upon for special permit approval. Approval shall be by two-thirds vote of the town meeting, and may be made with conditions or limitations. Special permits shall then be required, and shall be approved by the Special Permit Granting Authority only upon determination by that Authority that the proposal is consistent with the approved Concept Plan, or in the event of an inconsistency, that the departure is necessitated by changed conditions or earlier error, and that the inconsistency does not result in less beneficial development, based on the considerations of Section 3420.

"3420. Considerations. Compliance of the proposals with the following considerations shall be reported to the town meeting by the Planning Board, and shall be the basis for subsequent special permit approval.

"3421. Location.

- a. The proposal should be located near uses which are similar to the proposed use or, if not, the nearby uses should be permanently buffered from the use or be ones likely to benefit from rather than be damaged by having the proposal nearby.
- b. Providing adequate water and sewerage to this location for this use should pose no special public problems.

- c. The site should be able to accommodate the proposal without substantial environmental damage due to wetland loss, habitat disturbance, or damage to valuable trees or other natural assets.

"3432. Activity type and mix.

- a. Non-residential proposals should contribute to the diversity of services available locally.
- b. Residential proposals should add to the range of housing choice available locally.

"3433. Visual consequences.

- a. Scenic views from public ways and developed properties should be considerately treated in the site arrangement and building design.
- b. Visibility of parking and service areas from public streets should be minimized through site arrangement, and such areas should be screened from abutting premises.
- c. Domestic scale should be maintained in the building's design through massing devices, such as breaks in wall and roof planes and through the design of architectural features.

"3434. Access.

- a. Access to the location, considering any special access provisions committed (ride-sharing, etc.) should increase existing traffic by no more than 10% at any point for residential developments, 25% for non-residential ones.
- b. Pedestrian and vehicular movement to, from, and within the site should be safe and convenient, and arranged so as not to disturb abutting properties.

"3435. Development rate.

- a. Townwide, development should not outpace the ability of the Town to provide necessary off-site services, including schools, water, and road capacity.
- b. Development making unusually large demands on service capacities should not be allowed to pre-empt smaller developments from gaining a fair share of that capacity.

"3430. Procedures.

"3431. Concept Plan Contents. A Concept Plan shall consist of the following:

- a. A schematic development plan, indicating boundaries of the lot, buildings, roads, drives, parking, reserved open space, existing topography and proposed grading, areas of retained vegetation and proposed planting areas.
- b. Floor plans and elevations of all existing and proposed structures.
- c. Materials indicating the proposed ultimate floor area in each use; the number of dwelling units distinguishing by number of bedrooms and any special occupancies (e.g. elderly or handicapped); form of tenure; any subsidies or sales price or rent ceilings anticipated; time schedule for development; service improvements proposed at the developer's and those anticipated at the Town's expense.

- d. Analysis indicating degree of consistency with each of the considerations of Section 3420.

"3432. Pre-Town Meeting Hearing.

Prior to town meeting action, the Planning Board shall hold a public hearing on the Concept Plan with timing, notice, and procedures the same as those required for a hearing on a zoning bylaw amendment. The Planning Board shall report its recommendation to be filed with the Town Clerk not less than 14 days prior to the town meeting vote on the Concept Plan."

"3433. Special Permit.

Application for an initial special permit must be made not more than 12 months after the town meeting approval of the Concept Plan."

4. Amend Section 4420 by inserting the following at the end thereof:

"4425. Development Rate.

In authorizing townhouses and other multi-family developments the Planning Board shall establish an annual limit for the number of dwelling units to be authorized, taking into consideration the townwide building rate experienced over the previous two years and anticipated over the next half-dozen years; the needs which the housing will serve; the ability of the Town to provide services in a timely manner, the housing cost and feasibility consequences of the limitation, and the considerations of Section 3420. Such development rate may be less than but not more than that contained in the Concept Plan approved by Town Meeting."

In a discussion of Section 2400 Use Regulations it was suggested that under Footnote 12 it should also say See Section 3400. This should be an amendment to this proposal to become law.

Mr. Herr said Section 4410 refers to rezoning for multi-family; this is no longer needed.

Section 4420 applies to townhouses and other multi-family dwellings. Footnote 12 should also say See Section 4420.

It was pointed out that there has been confusion over the years over townhouse dwellings and multi-family.

Mr. Ambler said he applauds this proposal. He said he read this proposal in conjunction with that in July and the two should be going forward conjunctively. He said the one in July clarified some of the confusion. He agrees with the limitation of 50 units, and said it is a good idea. There is a minimum size which was 10 acres for townhouse and 20 acres for multi-family. Herr said 4 units per acre can be done. On 10 acres you can do 40 units with a minimum of land. Herr said it is worth considering taking out the 10 acres.

Mr. Murray asked when does this proposal take effect. Mr. Herr said the law takes effect when it is voted at the Town Meeting. He said anybody is protected against this change if their land is shown on a subdivision plan that is less than 8 years old or prior to this public hearing they would be excused. Mr. Murray said that at the July hearing some major changes were made and Mr. Herr had to go over those changes. What was asked for instead of making a decision was to continue the hearing. Mr. Murray said it was not complete. Mr. Ambler agreed. More time was needed to consider the proposal and for the consultant to do more work on it.

It was suggested that the Board could readvertise parts of the July proposal into this one. The two meetings should be combined. There is also a public hearing scheduled for Dec. 19th. The Board wants to

request a special town meeting sometime before Jan. 25, 1986 for the purpose of including this article on the warrant.

Mr. Murray asked for input from anyone present.

Mr. Lord commented that a shopping complex clearly has as much impact on a town as a housing complex. He said this is in direct conflict with what the master plan says which provides extending major areas for industrial zoning. He said this one reduces it to B-2.

Mr. Herr said that is misinformation. He said major complexes should be allowed in the industrial district. It is not now allowed in the B-1 district and should not be allowed. This article does change where they are allowed. Herr said think about this town with major commercial complexes.

We have two major commercial complexes; one the people are not happy with.

Mr. Lord argues with this article because he said he does not feel it encourages industry or large projects. He feels the town meeting process should be deleted.

Mr. Ambler pointed out the concern about people with property whose homes abutts the proposed major commercial complex. He said he upholds the town meeting process.

Mr. Murray said he feels the article should be split up; one for the townhouses, and one of the major commercial complexes.

Mr. Devitt of Blackstone Street said he was concerned with the press releases saying 200 condominiums are coming to town. What the people are afraid of is large major condominiums coming in here. If this article keeps it small that's fine. He pointed out that people keep talking about the last 10 years, it was quiet then, now the boards are overworked. Back in the 60s they did a good job of rezoning this town. Mr. Murray was responsible for increasing the size of the lots and created the suburban zone. He said with today's laws, a "Weathersfield" cannot happen, but with the large complexes it could happen.

It was suggested that the board look at the B-2 districts and see if there is any negative impact to deleting it.

Mr. Lord said if you eliminate B-2 you eliminate the whole section.

Mr. Herr said the point to make is this change in which the way commercial development takes place. They should be allowed in industrial as well as B-2 districts.

It was agreed that major commercial complexes should be withdrawn from this article and incorporating the July article. Density is the major issue of this.

Mr. Herr will draft up a new article.

With no other comments, Mr. Murray entertained a motion to close the public hearing. On a Niedzwiadek/Pytko motion the Board voted 5-0 to close the public hearing.

On a Niedzwiadek/Pytko motion the Board voted 5-0 to hold a public hearing for major commercial complex on December 19, 1986 at 8:45 P.M.

On a Niedzwiadek/Pytko motion the board voted 5-0 to adjourn.

Adjournment at 11:20 P.M.

Respectfully submitted,

Glenn E. Gerrior, Clerk